IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 4TH JANUARY 2007 / 14TH PAUSHA 1928

WP(C).No. 33076 of 2006(K)

PETITIONER:

T.N.SUKUMARACHANDRA PRASAD,
ZONAL MANAGER, KERALA STATE WAREHOUSING CORPORATION, THALAI, THALASSERI, KANNUR DISTRICT,
S/O.T.R.NARAYANA KARTHA, AGE 55 YEARS,
R/AT.292/II, ELAVANATTIL ILLAM, KUMARANELLOOR P.O.
KOTTAYAM 16.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

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1. KERALA STATE WAREHOUSING CORPORATION,
REP. BY ITS MANAGING DIRECTOR,
WAREHOUSING CORPN. ROAD, COCHIN-16.

2. EXECUTIVE COMMITTEE,
KERALA STATE WAREHOUSING CORPORATION,
WAREHOUSING CORPN. ROAD,
COCHIN-16.

3. COL. K.G.RAMACHANDRAN,
KERALA STATE WAREHOUSING CORPORATION,
WAREHOUSING CORPN. ROAD,
COCHIN-16.

BY ADV. SRI.MAJNU KOMATH, SC, K.S.W.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 33076 of 2006

Dated this the 4th day of January, 2007

JUDGMENT

The petitioner was holding the charge as Manager of the Container Freight Station, Petta, a project under the Kerala State Warehousing Corporation which is the first respondent herein. The petitioner was served with a memo in June 2006 alleging that he had disposed of washing machines, tiles which were put to auction before getting approval of the Managing Director. The petitioner submitted his explanation stating that the allegations were factually incorrect and will not warrant disciplinary proceedings against him. The petitioner was transferred to Thalassery, as per Order dated 13.10.2006 passed by the Managing Director, who assumed charge subsequent to the issue of show cause notice. While working in Thalassery, the petitioner has been placed under suspension as per Ext.P3 order passed by the Managing Director of the first respondent who is impleaded as respondent No.3. Feeling aggrieved by Ext.P3, the petitioner has approached this Court seeking to quash Ext.P3 and for a direction to the respondents to immediately reinstate him in service.

2. Learned counsel for the petitioner submitted that the order of suspension is arbitrary and is liable to be set aside for reasons

enumerated in the writ petition.

3. Learned counsel appearing for the respondents 1 to 3 submits that the question whether the petitioner is guilty of the allegations levelled against him in the show cause notice may not be gone into by this Court, at this stage, because the respondents are considering the very issue and upon going into the details of the matter, if so required, memo of charges will be issued and enquiry also may be conducted. To a query put by this Court as to the time required for completing such proceedings, if found necessary, learned counsel for respondents 1 to 3 submitted that a minimum period of six months is required. I feel that the time thus suggested is too long, especially, when the petitioner is under suspension and he has made a request to reinstate him immediately in service.

4. I am of the opinion that without expressing any opinion about the merits or the truth of the subject matter of the disciplinary proceedings, the writ petition can be disposed of directing the first respondent to expedite proceedings, if any, required in the matter and complete the same in accordance with law, as expeditiously as possible, in any event, within three months from today. If found necessary, memo of charges shall be issued without any delay calling for the explanation of the petitioner. Further proceedings, if taken,

shall be completed, without loss of time. The time limit fixed shall be adhered to by the respondents.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE

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